MONTANA LEGISLATIVE HISTORY

Chapter 262 19 97

Bill H _____ S 276 Original bill & history ____C

H. Committee on Business & Labor		S. Committee on Business & Industry	
Hearing Date(s) Mar 20	✓C	Hearing Date(s) Feb 12	✓C
Mar 21	✓C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

4/21 SIGNED BY GOVERNOR
CHAPTER NUMBER 330
EFFECTIVE DATE: 04/21/97

SB 274 INTRODUCED BY THOMAS, ET AL. *LC1262 DRAFTER: CAMPBELL*

REQUIRE COUNTIES, MUNICIPALITIES, AND CONSOLIDATED LOCAL GOVERNMENTS TO USE A BID PROCESS FOR THE PURCHASE OF CERTAIN ITEMS IN EXCESS OF $20,000 OR FOR THE CONSTRUCTION OR MAINTENANCE OF A ROAD, BRIDGE, BUILDING, OR ANY OTHER PUBLIC INFRASTRUCTURE IN EXCESS OF $25,000

2/03 INTRODUCED
2/03 FIRST READING
2/03 REFERRED TO LOCAL GOVERNMENT
2/03 FISCAL NOTE REQUESTED (EXTENSION GRANTED FOR COMPLETION)
2/11 HEARING
2/12 FISCAL NOTE RECEIVED
2/12 FISCAL NOTE PRINTED
2/13 TABLED IN COMMITTEE
3/03 MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
DIED IN COMMITTEE

SB 275 INTRODUCED BY MILLER, ET AL. *LC1009 DRAFTER: MALY*

CHANGE THE DELINQUENCY FEE IN THE MONTANA RETAIL INSTALLMENT SALES ACT

2/03	INTRODUCED		
2/03	FIRST READING		
2/03	REFERRED TO BUSINESS & INDUSTRY		
2/12	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	47	3
2/17	3RD READING PASSED	38	12
	TRANSMITTED TO HOUSE		
2/21	FIRST READING		
2/21	REFERRED TO BUSINESS & LABOR		
3/20	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	54	44
4/05	3RD READING CONCURRED	59	39
	RETURNED TO SENATE		
4/10	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/11	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR CHAPTER NUMBER 266 EFFECTIVE DATE: 10/01/97		

SB 276 INTRODUCED BY MILLER, ET AL. *LC1010 DRAFTER: MALY*

CHANGE THE COMPUTATION OF FINANCE CHARGES UNDER THE MONTANA RETAIL INSTALLMENT SALES ACT

2/03	INTRODUCED		
2/03	FIRST READING		
2/03	REFERRED TO BUSINESS & INDUSTRY		
2/12	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	38	11
2/17	3RD READING PASSED	41	9

	TRANSMITTED TO HOUSE		
2/21	FIRST READING		
2/21	REFERRED TO BUSINESS & LABOR		
3/20	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCUR MOTION FAILED	44	55
4/04	SEGREGATED FROM COMMITTEE OF WHOLE REPORT	64	33
4/07	2ND READING CONCURRED	81	16
4/07	3RD READING CONCURRED	80	18
	RETURNED TO SENATE		
4/10	SIGNED BY PRESIDENT		
4/10	SIGNED BY SPEAKER		
4/11	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 267		
	EFFECTIVE DATE: 10/01/97		

SB 277 INTRODUCED BY BARTLETT, ET AL. *LC0943 DRAFTER: LANE*

REVISE PROCEDURE FOR THE SMALL CLAIMS COURT

2/04	FISCAL NOTE REQUESTED		
2/04	INTRODUCED		
2/04	FIRST READING		
2/04	REFERRED TO JUDICIARY		
2/07	HEARING		
2/07	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/08	COMMITTEE REPORT—BILL PASSED		
2/11	2ND READING PASSED	50	0
2/12	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/13	FIRST READING		
2/13	REFERRED TO JUDICIARY		
3/14	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	94	4
4/04	3RD READING CONCURRED	93	6
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/09	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 241		
	EFFECTIVE DATE: 07/01/97		

SB 278 INTRODUCED BY ECK, ET AL. *LC1241 DRAFTER: LANE*

MAKE IT A CRIMINAL OFFENSE FOR A PERSON TO ALLOW A MINOR TO LOITER IN THE IMMEDIATE VICINITY OF A LIVE CARD GAME TABLE OR GAMBLING DEVICE

2/04	FISCAL NOTE REQUESTED		
2/04	INTRODUCED		
2/04	FIRST READING		
2/04	REFERRED TO JUDICIARY		
2/08	FISCAL NOTE RECEIVED		
2/10	HEARING		
2/10	FISCAL NOTE PRINTED		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING DO PASS MOTION FAILED	20	30

out was that if you will make even some kind of payment, there won't be a late fee.

{Tape: 1; Side: A; Approx. Time Count: 9:45 AM; Comments: N/A}

HEARING ON SB 276

Sponsor: **SENATOR KEN MILLER, SD 11, LAUREL**

Proponents: **Brad Griffin, MT Retail Assoc.**
John Cadby, MT Bankers Assoc.

Opponents: **None**

Opening Statement by Sponsor:

SENATOR KEN MILLER, SD 11, LAUREL. I bring you SB 276 and would like **Brad Griffin** explain the bill for you.

Proponents' Testimony:

Brad Griffin, MT Retail Assoc. This bill is how the interest is calculated on the balance. I have a written explanation **(EXHIBIT 5)** on how this interest is calculated.

{Tape: 1; Side: B; Approx. Time Count: 9:50 AM; Comments: ONE SENTENCE WAS LOST AT THE TURN OF THE TAPE.}

I would like to hand out another paper **(EXHIBIT 6)** that explains another change SB 276 would make in Montana law.

John Cadby, MT Bankers Assoc. Banks are subject to the laws of the state in which they are domiciled as well as to the federal laws. The point being, that virtually everybody nationwide, VISA, MASTERCARD, etc. uses the average daily balance method of computing interest in current purchases. This discriminates against Montana retailers, putting them at a slight disadvantage. Being out of sync with interstate commerce is not good. All the banks here in Montana are merely distributors of VISA, MASTERCARD, etc. and therefore are not subject to this provision.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. BEA MCCARTHY asked if credit cards and minimum payments are hurting the poorer people and are they being penalized by this bill? **Mr. Griffin** replied that many people he knows who are well off have managed to get themselves into financial trouble by having all their credit cards maxed out, so I don't think we are singling out that part of the population.

SEN. STEVE BENEDICT asked if a survey had been taken to see if this kind of bill is critical to their survival? **Mr. Griffin** responded that an organized survey was not taken, but that he had spoken with many retailers who are already figuring their interest on the average daily balance including the current month's purchases. These people are ignorant of the law and are

doing what the rest of the nation is doing. It is common practice in the U.S.

SEN. DEBBIE SHEA asked when interest would start if she had an existing balance of $300 and went in and bought a $200 suit? **Mr. Griffin** said that interest would start on the $200 purchase and continue on the balance of $300; but if she paid off the $200 at the end of the month within the grace period, interest only would be accrued on the $300.

SEN. BENEDICT asked **Mr. Griffin** to explain a little of the history of SB 275 and SB 276. **Mr. Griffin** stated that in 1995, both bills were introduced as one bill, possibly SB 335. It cleared the Senate committee, it cleared the Senate by 48 to 2, and failed in the House by 56 to 44. A struggling point was the flat $15 late fee. This time we have lowered it to $10 to be in conformity to the states around us.

Closing by Sponsor:

SEN. MILLER closed. Thank you for a good hearing and if you can't pay cash, pay within 30 days and there will be no interest and no late charge. I hope you will give us a favorable nod.

{Tape: 1; Side: B; Approx. Time Count: 10:06 AM; Comments: A 17 MINUTE BREAK WAS TAKEN.}

{Tape: 1; Side: B; Approx. Time Count: 10:23 AM; Comments: N/A.}

EXECUTIVE ACTION ON SB 265

Motion/Vote: SEN. BEA MCCARTHY MOVED DO PASS ON SB 265. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 275

Motion: SEN. WILLIAM CRISMORE MOVED DO PASS SB 275.

Amendments: SEN. CRISMORE MOVED to AMEND SB 275 (EXHIBIT 2)

Vote on Amendments: The motion to AMEND CARRIED UNANIMOUSLY.

Motion/Vote: SEN. CRISMORE MOVED DO PASS AS AMENDED SB 275. The motion CARRIED with SENATORS MCCARTHY and SHEA voting NO.

EXECUTIVE ACTION ON SB 276

Motion/Vote: **SEN. CRISMORE MOVED DO PASS SB 276. The motion CARRIED with SENATORS MCCARTHY and SHEA voting NO.**

EXECUTIVE ACTION ON SB 112

Motion/Vote: **SEN. MCCARTHY MOVED TO BRING SB 112 OFF THE TABLE. The motion CARRIED with Senators Crismore and Benedict voting NO.**

Motion: **SEN. MCCARTHY MOVED DO PASS SB 112.**

Discussion: **SEN. MCCARTHY** said that this bill provides for people who are terminally ill and it is a safety net for those who do not have long to live and is crafted in such a way that one cannot take advantage of it if you are not terminally ill. It gives these people a sense of well-being before they die. It seems the only point of contention in this bill is in Section 8 which was the new section that was the brokers fee and this sets the brokers fee at 2%. On that particular part I would be willing to listen to an amendment but I still feel it is a necessary piece of legislation.

SEN. STEVE BENEDICT confirmed that it is a necessary piece of legislation, but in this committee next Monday or Tuesday a bill on the Kennedy-Kassebaum compliance act will be heard. This bill is contained in that act.

SEN. JOHN HERTEL stated that he believes in the bill and realized that the time is getting short and understands that the sponsor does not want this to die in committee.

SEN. MCCARTHY wants this bill to have an individual hearing because people need to know what this bill is all about and not get buried in a larger bill. She is not opposed if this bill should be rolled into a bigger bill at a later date.

Vote: **The motion of DO PASS ON SB 112 CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 226

Motion: **SEN. MCCARTHY MOVED DO PASS SB 226.**

Amendments: **SEN. MCCARTHY MOVED TO AMEND SB 226 (EXHIBIT 7)**

Discussion: **SEN. STEVE BENEDICT** asked **Mr. Cote, Deputy Insurance Commissioner** if the amendments had been brought forth by the American Council on Life Insurance (ACLI) and if they are

SENATE STANDING COMMITTEE REPORT

February 12, 1997

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration Senate Bill 276 (first reading copy -- white), respectfully report that Senate Bill 276 do pass.

Signed: John Hertel
Senator John R. Hertel, Chair

Amd. Coord.
Sec. of Senate

331323SC.STs

MONTANA SENATE
1997 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL DATE 2-12-97

NAME	PRESENT	ABSENT	EXCUSED
WILLIAM CRISMORE	X		
CASEY EMERSON			X
BEA MC CARTHY	X		
DEBBIE SHEA	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JOHN HERTEL, CHAIRMAN	X		

SEN:1997
wp.rollcall.man
CS-09

DATE 2-12-97

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: SB 265

SB 275, SB 276

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Jacob Hart	Harris RV Batt.	265	x	
Bruce Aafedt	Travel Time RV	265	✓	
Stuart Doggett	MT Manufactured Housing & RV Assoc.	265	✓	
Brad Griffin	MT Retail Assoc.	275	✓	
"	"	276	✓	
John Cadby	MT Bankers	275 276	✓ ✓	
Jim Brown	Bldg Cdtrs.	265	✓	
Shelley Griffin	self	275 276	✓	
Candace Torgerson	MT Retail Assn	275 276	✓	
Robert Ferguson	—	—		
Pat Morrison	MSCA			
Maxine Otis	MSCA			
Fay Wellcome	MSCA			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

HEARING ON SB 275

Opening Statement by Sponsor: **Sen. Ken Miller,** S. D. 11, introduced SB 275.
{Tape: 1; Side: 1; Approx. Time Count: .01; Comments: None.}

Proponents' Testimony:
Brad Griffin, MT Retail Assn.
{Tape: 1; Side: 1; Approx. Time Count: 2.3; Comments: None.}

John Cadby, MT Bankers Assn. EXHIBITS 1 AND 2
{Tape: 1; Side: 1; Approx. Time Count: 7.8; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:
Tape: 1; Side: 1; Approx. Time Count: 8.9; Comments: None.}

Closing by Sponsor: **Sen. Miller** closed.
{Tape: 1; Side: 1; Approx. Time Count: 16.7; Comments: None.}

HEARING ON SB 276

Opening Statement by Sponsor: **Sen. Miller,** S D 11, introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 18.1; Comments: None.}

Proponents' Testimony:
Brad Griffin, MT Retail Assn. EXHIBITS 3 AND 4
{Tape: 1; Side: 1; Approx. Time Count: 18.9; Comments: None.}

John Cadby, Mt Bankers Assn.
{Tape: 1; Side: 1; Approx. Time Count: 25.6; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 27.4; Comments: None.}

Closing by Sponsor: **Sen Miller** closed.
{Tape: 1; Side: 2; Approx. Time Count: 16.4; Comments: None.}

HEARING ON SB 259

Opening Statement by Sponsor: **Sen. Shea,** S. D. 18, introduced the bill.
{Tape: 1; Side: 2; Approx. Time Count: 17.9; Comments: None.}

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL DATE 3/20/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	✓		
Paul Sliter Vice Chairman	✓		
Bob Pavlovich, Vice Chairman	✓		
Joe Barnett	✓		
Rod Bitney	✓		
Sylvia Bookout	✓		
Charles Devaney	✓		
David Ewer	✓		
Kim Gillan	✓		
Billie Krenzler	✓		
Bob Lawson	✓		
Rod Marshall	✓		
Gay Ann Masolo	✓		
Wes Prouse	✓		
Carolyn Squires	✓		
Jay Stovall	✓		
Cliff Trexler	✓		
Joe Tropila	✓		
Carley Tuss	✓		

Discussion:
{Tape: 3; Side: 1; Approx. Time Count: 9.8; Comments: None.}

Vote: Motion passed 18-1. **Rep. Krenzler** voted no.
{Tape: 3; Side: 1; Approx. Time Count: 23.0; Comments: None.}

EXECUTIVE ACTION ON SB 276

Motion: **Rep. Sliter** moved do concur SB 276.
{Tape: 3; Side: 1; Approx. Time Count: 23.6; Comments: None.}

Discussion:
{Tape: 3; Side: 1; Approx. Time Count: 24.; Comments: None.}

Vote: Motion carried 18-1. **Rep. Tuss** voted no.
{Tape: 3; Side: 2; Approx. Time Count: .01; Comments: None.}

EXECUTIVE ACTION ON SB 118

Motion: **Rep. Tuss** moved do concur SB 118.
{Tape: 3; Side: 2; Approx. Time Count: .06; Comments: None.}

Discussion:
{Tape: 3; Side: 2; Approx. Time Count: 1.0; Comments: None.}

Motion/Vote:**Rep. Tropila** moved to adopt Tropila amendments. Motion carried unanimously.
{Tape: 3; Side: 2; Approx. Time Count: 2.7; Comments: None.}

Motion/Vote: **Rep. Masolo** moved to adopt Masolo amendments. Motion passed unanimously.
{Tape: 3; Side: 2; Approx. Time Count: 7.0; Comments: None.}

Motion: **Rep. Sliter** moved to suspend action on SB 118 until later.
{Tape: 3; Side: 2; Approx. Time Count: 10.9; Comments: None.}

HEARING ON SB 246

Opening Statement by Sponsor: **Sen. Beck,** S. D. 28 introduced SB 246.
{Tape: 3; Side: 2; Approx. Time Count: 11.4; Comments: None.}

Proponents' Testimony:
Dave Brown, MT Independent Auto Dealers Assn.. EXHIBIT 5 AND 6.
{Tape: 3; Side: 2; Approx. Time Count: 13.5; Comments: None.}

HOUSE STANDING COMMITTEE REPORT

March 21, 1997

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 276** (third reading copy -- blue) **be concurred in.**

Signed: _____
Bruce Simon, Chair

Carried by: Rep. Sliter

3/21

Committee Vote:
Yes 18, No 1.

621546SC.Hgd

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL DATE 3/21/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	✓		
Paul Sliter Vice Chairman	✓		
Bob Pavlovich, Vice Chairman	✓		
Joe Barnett	✓		
Rod Bitney	✓	X	
Sylvia Bookout			✓
Charles Devaney	✓		
David Ewer	✓		
Kim Gillan	✓		
Billie Krenzler	✓		
Bob Lawson	✓		
Rod Marshall	✓		
Gay Ann Masolo	✓		
Wes Prouse	✓		
Carolyn Squires	✓		
Jay Stovall	✓		
Cliff Trexler	✓		
Joe Tropila	✓		
Carley Tuss	✓	A	